

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

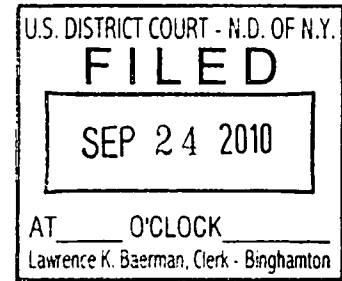
DAVIS HOLDING COMPANY, LLC and
LAUREN R. DAVIS,

Plaintiffs,

vs.

WILLIAM STANTON, ROBERT ALLISON,
SR., JOHN W. VAN BENSCHOTEN,
VILLAGE OF MARGARETVILLE, and
RICHARD WEIDENBACH,

Defendants.



ORDER

Civil Action No.: 3:10-cv-00867-TJM-DEP

Defendants William Stanton, Robert Allison, Sr., John W. Van Benschoten, and Village of Margaretville having moved the Court for an order pursuant to 12(b)(6), Fed. R. Civ. Proc. dismissing the complaint on the ground the allegations in the Complaint fail to state a claim for relief, and on the ground the claims are barred, in whole or in part, by the statute of limitations, and the motion having come on to be heard,

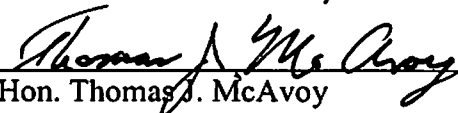
NOW, upon reading the complaint, the Notice of Motion dated August 13, 2010, and the affidavit of Albert J. Millus, Jr., Esq., sworn to August 13, 2010, in support of the motion, and the affidavit of Michael A. Jacobs, Esq., sworn to August 25, 2010, in opposition to the motion, and after having heard Hinman, Howard & Kattell, LLP, attorneys for defendants William Stanton, Robert Allison, Sr., John W. Van Benschoten, and Village of Margaretville, Albert J. Millus, Jr., Esq., of counsel, in support of the motion, and Jacobs & Jacobs, attorneys for plaintiffs, Michael Mararchi, Esq., of counsel, in opposition to the motion, and due deliberation

having been had, and the Court having issued its oral ruling in Court on September 13, 2010, it is hereby,

ORDERED, that the motion of defendants William Stanton, Robert Allison, Sr., John W. Van Benschoten, and Village of Margaretville to dismiss the complaint be, and the same hereby is, GRANTED; and it is further,

ORDERED, that plaintiffs' complaint be, and there same hereby is, DISMISSED.

9/24/10


Hon. Thomas J. McAvoy
Senior United States District Judge